Subpoena Order

SUPERIOR COURT OF NEW JERSEY

ESSEX COUNTY

(Law Division—Criminal)

In the Matter

of

The Application of the People of the State of New York for an order requiring one ANTHONY PETER RIELA, to appear before the County Court Grand Jury of the County of Tioga, State of New York.

To any Sheriff or Constable in the State, to forthwith serve and make return according to law.

Greeting:

The matter of the issuance of a subpoena-order requiring Anthony Peter Riela to attend and testify as a witness for the People of the State of New York in a Grand Jury proceeding pending before the Grand Jury of the County of Tioga, State of New York, on February 4, 1958, having come on to be heard on the 3rd day of February, 1958, pursuant to an order made by the undersigned, dated the 27th day of January, 1958, the said Anthony Peter Riela appearing in person with his attorney, Anthony Calandra, and consent to appear therein, and after hearing all of the parties, it is found as follows:

That said Anthony Peter Riela is a material and

necessary witness in the said Grand Jury proceeding before the Grand Jury of the County of Tioga in the State of New York, and that the presence of said Anthony Peter Riela as a witness for the People of the State of New York in said Grand Jury proceeding is required on the following dates: February 13th, 1958, at 10:00 o'clock in the forenoon of that day, and for as many days thereafter as the Court may direct, not exceeding fifteen (15) days, and that the states of New York and New Jersey have made reciprocal provisions in their laws for securing the attendance of witnesses from within and without the respective states in criminal proceedings, to wit, in the State of New York, Section 618-a of the Code of Criminal Procedure and in the State of New Jersey, Section N. J. S. 2A:81-20; and that the laws of the State of New York in which such proceeding is pending give him protection from arrest or service of civil and criminal process while in the State of New York, and going and passing through the State of New York in obedience to a subpoena-order directing said Anthony Peter Riela to attend and testify in said State of New York in said Grand Jury proceeding and while returning therefrom in connection with matters which arose before his entrance into said State of New York pursuant to said subpoena-order, all of which appears from a certificate of the Judge of the County Court of the County of Tioga, State of New York, a court of record, of which a copy is hereto attached and made a part hereof; and it is further found that the attendance of said Anthony Peter Riela as such witness in said Grand Jury proceeding on the dates aforesaid as a witness for the People of the State of New York upon said Grand Jury proceeding will not cause undue hardship to said Anthony Peter Riela.

AND IT IS HEREBY ORDERED, That said Anthony Peter Riela be and he hereby is subpoenaed and commanded to be and appear before the Grand Jury of the County of Tioga, State of New York, at the County Courthouse, in the Village of Owego, County of Tioga, State of New York, on the following dates, to wit: February 13th, 1958, at 10:00 o'clock in the forenoon of that day, and for as many days thereafter as the Court may direct, not exceeding fifteen (15) days, and then and there testify and the truth to speak in a Grand Jury proceeding therein pending, entitled "The People of the State of New York v. John Doe, *et al.*"

Hereof fail not at your peril.

WITNESS, the Hon. Alexander P. Waugh, Judge of the Superior Court of New Jersey, at the County Courthouse, Newark, New Jersey, this 3rd day of February, 1958.

s ALEXANDER P. WAUGH
Judge of the Superior Court of
New Jersey

[Certification of County Clerk omitted]

Certificate

COUNTY COURT, STATE OF NEW YORK

COUNTY OF TIOGA

In the Matter

of

The Investigation by the January 1958 County Court Grand Jury in and for the County of Tioga entitled

"THE PEOPLE OF THE STATE OF NEW YORK

—against—

'JOHN DOE,' *et al.*"

Re: ANTHONY PETER RIELA, material witness. State of New Jersey.

Upon reading the annexed affidavit of George Boldman, District Attorney of the County of Tioga, sworn to on January 24, 1958, and pursuant to Section 618-a of the Code of Criminal Procedure of the State of New York (Chapter 387 of the Laws of 1936),

I, FRANCIS J. CLOHESSY, Judge of the County Court of the County of Tioga, do hereby Certify,

FIRST: The County Court of the County of Tioga is a Court of Record of the State of New York.

SECOND: The District Attorney of Tioga County has been conducting before the January 1958 County

Court Grand Jury in and for the County of Tioga an investigation, bearing the above title, to determine whether the crimes of conspiracy, bribery of public officials, and violation of Section 340 of the General Business Law were committed in Tioga County. This County Court Grand Jury is conducting an inquiry into the activities that took place at a meeting in Apalachin, New York, on or about November 14, 1957, attended by over sixty-two persons from all parts of the country.

THIRD: Anthony Peter Riela, now present in the State of New Jersey, is a material and necessary witness in the said Grand Jury investigation. Information available to the District Attorney of the County of Tioga establishes that the said Anthony Peter Riela, now residing at 7 Benvenue Avenue, West Orange, New Jersey, was one of the persons who attended the alleged meeting in Apalachin, County of Tioga, New York, on November 14, 1957. Evidence already adduced before this Grand Jury indicates that the said Anthony Peter Riela did attend the aforesaid meeting at Apalachin, New York on November 14, 1957. In view of this and other testimony adduced before this Grand Jury and before the District Attorney, it is material and necessary that the said Anthony Peter Riela be called as a witness before this same Grand Jury.

FOURTH: The presence of the said Anthony Peter Riela will be required before the said Grand Jury on January 31, 1958, at ten o'clock in the forenoon, at the County Courthouse, Tioga County, Owego, New York, and for as many days thereafter as the Court may direct, not exceeding fifteen days.

FIFTH: The attendance of the said Anthony Peter Riela before the Grand Jury can not be ensured voluntarily.

SIXTH: It will not cause undue hardship to the said Anthony Peter Riela to attend and testify before the said Grand Jury.

SEVENTH: The laws of the State of New York will give to the said Anthony Peter Riela, while in the State of New York in obedience to an order directing him to attend and testify before the said Grand Jury in New York, protection from arrest and the service of process, civil or criminal in connection with matters which arose before his entrance into New York under such order.

FRANCIS J. CLOHESSY
County Judge of Tioga County

(Seal).

Done and sealed in the County Court of the County of Tioga, State of New York, 24th day of January, 1958.

Attest:

LAVERNE M. BRISTER
Clerk of the Tioga County Court

By JAMES E. FRASER
Deputy Clerk

(Seal)

[Certifications of Court and County Clerk omitted]

Affidavit of George Boldman

COUNTY COURT, STATE OF NEW YORK

COUNTY OF TIOGA

In the Matter

of

The Investigation by the January 1958 County Court Grand Jury in and for the County of Tioga entitled

"THE PEOPLE OF THE STATE OF NEW YORK

—against—

'JOHN DOE,' *et al.*"

Re: ANTHONY PETER RIELA, material witness, State of New Jersey.

State of New York,
County of Tioga, ss:

GEORGE BOLDMAN, being duly sworn deposes and says:

I am the District Attorney in and for the County of Tioga and presently engaged in the presentation of evidence before the January 1958 County Court Grand Jury of Tioga County, which is conducting an investigation entitled, "The People of the State of New York against 'John Doe,' *et al.*," to determine whether the crimes of conspiracy, bribery of public officials, and violation of Section 340 of the General Business Law were committed in Tioga County.

This County Grand Jury is conducting an inquiry into the activities that occurred at a meeting of over sixty-two persons, from all parts of the country, at Apalachin, County of Tioga, New York, on or about November 14, 1957, to determine whether or not any crimes were committed at said meeting.

Information brought to my attention indicates that many, if not all, of the persons who attended and participated in said meeting have knowledge and information which is material and necessary to the above inquiry, and to the determination of whether or not any crimes were committed at that meeting.

Based on information brought to the attention of the said Grand Jury and to me, it is indicated that Anthony Peter Riela, now residing at 7 Benvenue Avenue, West Orange, New Jersey, was present and in attendance at the said meeting at the aforesaid date. Testimony already adduced before this Grand Jury certifies that the said Anthony Peter Riela was in attendance at the said meeting at Apalachin, New York, on November 14, 1957.

In connection with said inquiry, the Grand Jury is of the opinion that the aforementioned Anthony Peter Riela, by reason of his attendance and participation at the said meeting, has knowledge and information pertaining to, and concerning the specific objectives of said meeting, and knowledge and information which would aid the Grand Jury in determining whether any crime, or crimes, were committed at said meeting.

Twenty-seven of the persons who attended the aforementioned meeting have been subpoenaed to attend and to testify before this Grand Jury. In addition, thirty-one additional witnesses have already testified to material matters of, and concerning, the aforesaid meeting.

I am desirous of obtaining the appearance of the said Anthony Peter Riela before the said Grand Jury, and since Anthony Riela is in the State of New Jersey, his presence in New York cannot be ensured voluntarily, nor can the usual process of Grand Jury subpoena be available to me to ensure his presence before the said Grand Jury.

It is respectfully submitted that it will not cause undue hardship to the said Anthony Peter Riela to attend and testify before the said Grand Jury.

I therefore respectfully submit that this Court, pursuant to Section 618-a of the Code of Criminal Procedure of the State of New York (Chapter 387 of the Laws of 1936) issue a certificate under the seal of this Court certifying to the courts of the State of New Jersey that the said Anthony Peter Riela is a material and necessary witness in the said Grand Jury investigation, and that he will be required to attend and testify before the said Grand Jury on January 31, 1958, at ten o'clock in the forenoon, at the County Courthouse, Tioga County, Owego, New York, and for as many days thereafter as the Court may direct, not exceeding fifteen days.

All of the provisions of the aforesaid statutes relative to the summoning of a witness from another State to testify in this State will be complied with and the said witness, will not, while in this State pursuant to such a summons, be subject to arrest or the service of process, civil or criminal, in connection with matters which arose before his entrance into this State under said process.

I further respectfully request that the certificate applied for herein, upon issuance, be authorization to me to reveal the subject of the said investigation to the extent set forth herein.

No previous application for this relief has been made to any court or judge, except as hereinabove stated.

Respectfully submitted,

GEORGE BOLDMAN

Sworn to before me this
24th day of January, 1958

LILLIAN B. LUTHER
Notary Public State of New York
No. 54-7027900
Originally qualified in Tioga County
My Commission expires March 30, 1958